

REMARKS

Claims 1-11 are pending and stand rejected. Claims 1-8 and 10 have been amended and new Claims 12-20 have been submitted for consideration by the Examiner. Applicants respectfully request reconsideration and allowance of the instant application.

In response to the objection to the drawings, please find attached hereto a Request to Make Drawing Changes. Should these Changes be approved Applicants will submit another set of formal drawings.

Applicants believe that the Amendments overcome the rejection under 35 U.S.C. 112. Applicants request withdrawal of this rejection.

The rejection of Claims 2 and 9 under 35 U.S.C. 102(b) as being anticipated by Patel (U.S.P.N. 4,784,285), is respectfully traversed.

Patel fails to disclose a heat expandable sealant. Patel, therefore, cannot disclose each and every aspect of the claimed invention. Applicants respectfully request withdrawal of this rejection.

The rejection of Claims 2, 3, 6, 7, 10 and 11 under 35 U.S.C. 102(b) as being anticipated by Walser (U.S.P.N. 5,524,907), is respectfully traversed.

Walser fails to disclose a floor pan extension wherein the floor pan extension contacts the floor pan and at least one of structural and architectural members. With respect to Claim 3, Walser also fails to disclose a sealed region comprising at least three adjacent metallic automotive members at least partially in contact with a cavity sealer having at least one recess. Walser, therefore, cannot disclose each and every aspect of the claimed invention. Applicants respectfully request withdrawal of this rejection.

The rejection of Claims 1, 2, 4-6 and 8 under 35 U.S.C. 103(a) as being unpatentable over Damico (U.S.P.N. 4,588,104) is respectfully traversed.

Damico fails to disclose a tub having a non-symmetrical configuration. Applicants respectfully submit that it is improper to dismiss a claim limitation as being "design choice"; especially when that limitation is absent from the applied reference. The instant invention permits using a sealing device having a non-symmetrical configuration. This configuration desirably permits sealing an irregular opening (e.g., the opening formed between the floor pan and body architecture whereas Damico is limited to a floor pan plug). That is, Damico fails to disclose an automotive floor pan extension wherein the extension contacts the floor pan and at least one adjacent automotive component selected from the group consisting of structural and architectural members.

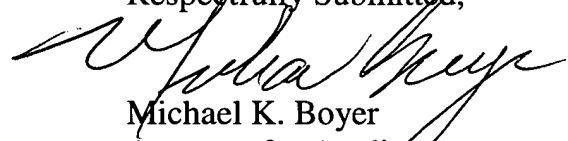
With respect to Claim 8, Applicants again respectfully submit that it is improper to dismiss claim limitations as being "design choice". The absence of claim limitation from Damico is an indication of unobviousness; not design choice. As recognized by the Office Action, Damico fails to disclose polyethylene terephthalate. The inventive sealing device can employ polyethylene terephthalate in an injection molding process in order to achieve non-symmetrical configurations which are also absent from Damico.

For these reasons, Damico cannot support a prima facie case of obviousness, and Applicants respectfully request withdrawal of this rejection.

Applicants submitted an Information Disclosure Statement on June 11, 2002. Applicants request a copy of the Form PTO 1449 that has been initialed by the Examiner.

Should there be any fee due in connection with this application, please charge the same to Deposit Account No. 15-0680. Applicants believe that the pending claims define patentable subject matter and respectfully request issuance of a Notice of Allowability. Should the Examiner deem that any further action on the part of Applicant would advance prosecution, the Examiner is invited to telephone Applicants' attorney.

Respectfully Submitted,



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Encl.: Certificate of EXPRESS Mailing
Request To Make Drawing Changes

Version With Markings To Show Changes Made

Please amend Claims 1-8 and 10 as follows:

1(Amended). A [sealant] sealing device comprising [a] an injection molded and non-symmetrical tub having at least one fastening feature wherein at least one heat expandable material contacts at least a portion of the tub.

2(Amended). An automotive floor pan extension comprising an injection molded component having at least one integrally molded locking feature and wherein at least one heat expandable sealant contacts at least a portion of the injection molded component and wherein said extension contacts the floor pan and at least one adjacent automotive component selected from the group consisting of structural and architectural members.

3(Amended) A sealed region comprising at least three adjacent metallic automotive members at least partially in contact with a cavity sealer having at least one recess, wherein said cavity sealer comprises [a] an injection molded component having at least locking feature, and wherein at least one heat activated sealant contacts at least a portion of said cavity sealer and said at least three metallic automotive members.

4(Amended). The [sealant] sealing device of Claim 1 wherein said fastening feature comprises at least one weldable metal.

5(Amended). The [sealant] sealing device of Claim 1 wherein said fastening feature comprises at least one self-locking tab.

6(Amended). The automotive floor pan extension of Claim 2 wherein said [sealant comprises a heat activated and expandable sealant] said members comprises at least one member body sheet metal, frame rails, floor pan flanges, D-pillar inner members, rear sills and wheel housings.

7(Amended). The sealed region of Claim 3 wherein one of said at least three adjacent metallic automotive [components] members comprises a floor pan.

8(Amended). The [sealant] sealing device of Claim 1 wherein said tub comprises polyethylene terephthalate.

10(Amended). The sealed region of Claim 3 wherein said injection molded component comprises injection moldable polypropylene.

Please add new Claims 12-20 as follows:

--12. A seal for at least two adjacent automotive components comprising an automotive floor pan and at least one member selected from the group consisting of metallic structural and architectural members, comprising:

a thermoplastic member defining at least one cavity and having a heat expandable sealant located at least partially between the thermoplastic member and the components, and

at least one compressible retaining feature that engages a plurality of openings defined in at least one of the components.

13. The seal of Claim 12 further comprises at least one weldable insert.

14. The seal of Claim 12 wherein said members comprise body sheet metal members.

15. The seal of Claim 12 wherein said members comprise at least one member selected from the group consisting of frame rails, rear floor pan flange, D-pillar inners, rear sills and wheel housings.

16. The seal of Claim 12 wherein said thermoplastic member comprises at least one member selected from the group consisting of polyester, polypropylene and polyethylene terephthalate.

17. The seal of Claim 12 wherein said heat expandable sealant comprises ethyl vinyl acetate.

18. The seal of Claim 12 wherein the compressible retaining feature comprises at least one locking tab.

19. The seal of Claim 12 wherein said thermoplastic member has a non-symmetrical configuration.

20. The seal of Claim 12 further defining at least one opening.--

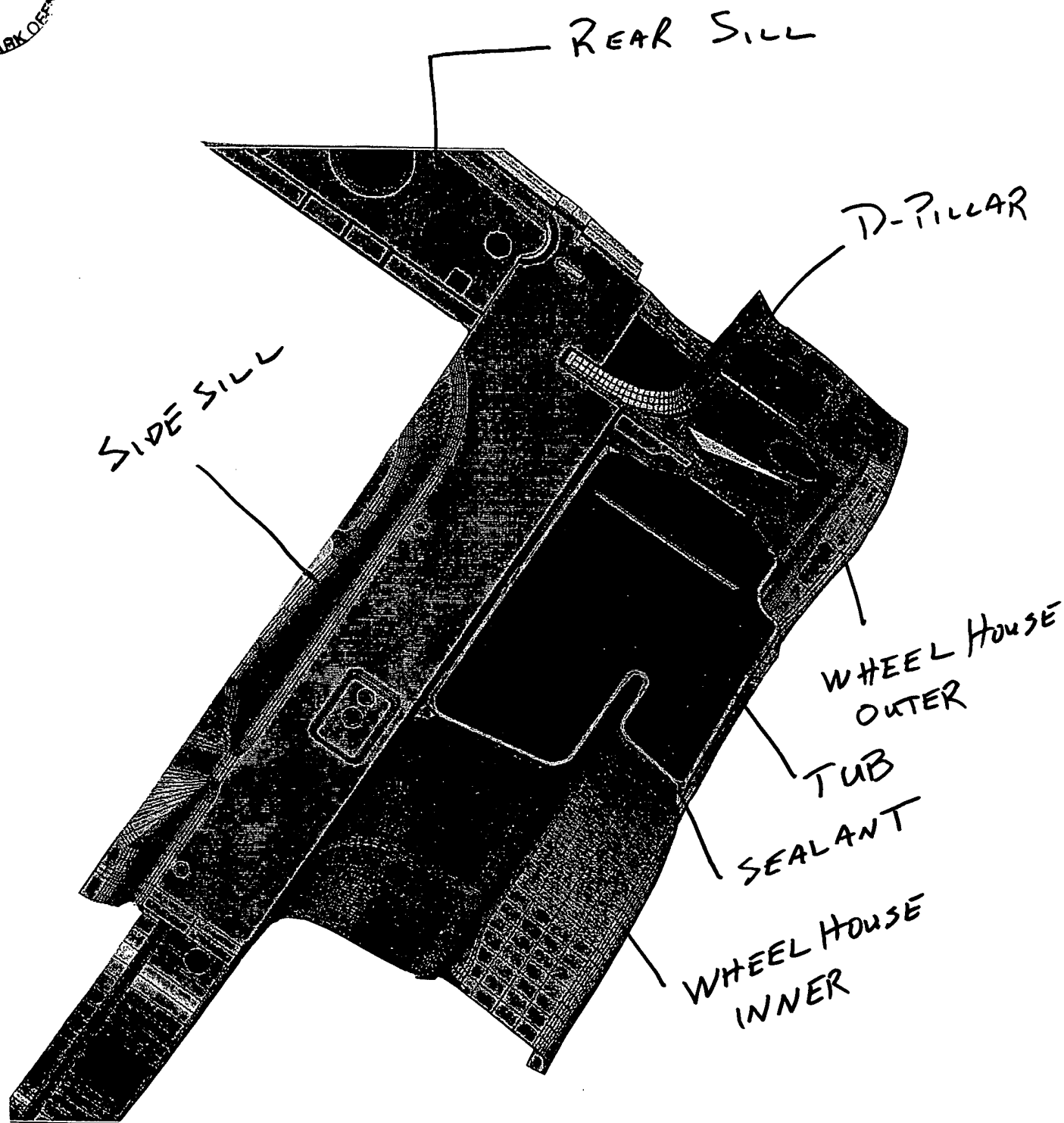
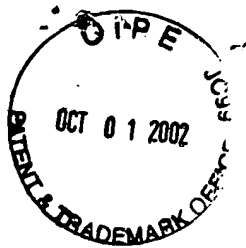


Fig 3

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